

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37827 of 2024

Arising Out of PS. Case No.-27 Year-2024 Thana- BARSOI District- Katihar

Jabuna Kumar Das @ Jubna Das @ Zubna Das son of Labuwa Chandra Das,
R/o village- Bighor Deshiya Toli, PS- Barsoi (Kachna OP), Dist- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Najeeb Ahmad, Advocate
For the Opposite Party : Mr. Surendra Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-07-2024 Heard Mr. Najeeb Ahmad, the learned counsel for the
petitioner and Mr. Surendra Prasad Singh, the learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Barsoi (Kachna O.P.) PS Case No. 27 of 2024,
FIR dated 23.01.2024, registered for the offences punishable under
Sections 498(A) and 376 of the Indian Penal Code and under
Sections 3 and 4 of Dowry Prohibition Act.

3. According to the prosecution case, the informant was
subjected to regular torture and abuse by her in-laws over non-
fulfillment of dowry demand. It is further alleged that the
petitioner has committed rape upon the informant. It is further
alleged that the informant was ousted from her matrimonial home
due to non-fulfillment of dowry demand.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR.

5. The learned Additional Public Prosecutor for the State on the other hand on the basis of materials available on record and case diary has vehemently opposed the prayer for bail of the petitioner and submits that in the statement of the victim recorded under Section 164 of the Cr.P.C., she has firmly stated that petitioner has committed rape upon her. Apart from that, the family members of the petitioner have also demanded Rs. 2,00,000/- (Rupees two lakhs) from the family members of the informant.

6. Considering the aforesaid facts and circumstances, the nature of allegation and the statement of the victim recorded under Section 164 of the Cr.P.C., I am **not** inclined to grant the privilege of anticipatory bail to the petitioner in connection with Barsoi (Kachna O.P.) PS Case No. 27 of 2024, pending in the Court of learned Sub-Divisional Judicial Magistrate, Katihar.

7. Prayer is refused.

(Rajesh Kumar Verma, J)

Shahnawaz/-

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